

SENATE BILL 1712

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 5,
Chapter 5, Part 1, relative to the election of county
officers and filling of vacancies by county
legislative bodies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-5-111(b), is amended by deleting the language "position" in the first sentence and by substituting instead the language "office".

SECTION 2. Tennessee Code Annotated, Section 5-5-111(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) When a vacancy occurs in the office of county mayor, sheriff, trustee, register, county clerk, chief administrative officer of the highway department, director of schools, clerk of court, assessor of property, judge of a court of general sessions or seat in the general assembly, which vacancy is to be filled by the county legislative body, should a member of the county legislative body be nominated and accept a nomination for any such office, the member shall be prohibited from voting on the nomination or any motions or resolutions relative to filling such office or vacancy until the office is filled. For the purposes of determining a majority, the membership of the county legislative body shall be reduced to reflect any member or members prohibited from voting on the nomination to fill the office or vacancy in such office. If a member of the county legislative body is subsequently appointed to fill one of the offices enumerated above, the member shall immediately resign from the county legislative body upon accepting the appointment. If the member does not receive the appointment, the member shall not be required to resign and may continue the member's duties on the county legislative body upon the conclusion of the vote on the appointment.

SECTION 3. It was not the intent of the 2008 Public Chapter 871 to require a member of the county legislative body to resign from the county legislative body after accepting an appointment if such member could have legally accepted such appointment prior to May 6, 2008, without resigning from the county legislative body. Any action taken by any board, commission, or committee on or after May 6, 2008, shall not be invalidated due to any other interpretation of that public chapter.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.